

POTTER (N.)

SOME ACCOUNT

OF THE

From

J.S. (Himan.)

RISE AND PROGRESS

OF THE

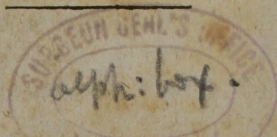
UNIVERSITY OF MARYLAND.

BY NATHANIEL POTTER, M. D.

Professor of the Theory and Practice of Medicine, &c.

"Facilis descensus Averni

"Sed revocare gradum hic labor hoc opus est."



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WINE AND PROGRESS

UNIVERSITY OF MARYLAND

BY NATHANIEL POTTER, M.D.

Professor of the Theory and Practice of Medicine

and of the History of the Faculty of Medicine

PRINTED BY JAMES HARRIS

SOME ACCOUNT OF THE

RISE & PROGRESS OF THE UNIVERSITY OF MARYLAND.

ANY apology for the following pages, would be a work of superelevation. The imperative call for such a disquisition, involves a great variety of interests, public and private. It implicates a body of literary men, as well as these who have governed them, and who were appointed to aid and protect them. It calls in question the policy or wisdom of the laws of the State, while it embraces many civil considerations inseparable from the rights of corporations, none of which can be more deeply affected than public literary institutions. It must of necessity assume a more personal complexion, from the maladministration of a body of men, whose understandings or integrity it is bound to impeach. When the grievances of the governed are reiterated without redress, and fomented until the institution to which they have the honour, and it seems the misfortune to belong, can be no longer sustained, it is their duty to complain and remonstrate.

It must ever be to us a melancholy reflection, to be destined to record another example of the proverbial ingratitude of republics, and prove the cheapened estimation of science, by the legislators of a free state.

It would seem almost a solecism in nature, that mankind should feel the least solicitude for that in which of all temporal concerns, they are most deeply interested. What is man without the sound integrity of his body? The most forlorn and helpless in the scale of animated creation. Among all the vicissitudes of life, however di-

versified by his imagination, his judgment, or his passions, none can be successfully pursued, without health.

Hence it is, that Medicine, even before it assumed the form of a Science, has held a rank, equal in usefulness and honour to any other; and has been held in the greatest veneration, by the most intellectual and virtuous of mankind.

Socrates, when he felt the union between soul and body about to be dissolved, summoned around him his executors, and implored them, "as they loved him, and would revere his memory, to dedicate the better part of his worldly goods, to the erection of a temple to the God of Physic." If such a man, in the dark age of superstition and ignorance, was so sensibly impressed with the utility and dignity of physic, may not the humble imitators of his example in these enlightened days, claim some respect for their attempt to give to their own State, (for the first time,) a Medical Institution? We were well aware, that it had become an axiom, that literary institutions, especially those intended for medical instruction, can never prosper, so long as they are subject to the caprice of legislative interference. They must be left to the guidance of those who are most interested, and who are best qualified to judge of their wants and necessities. They must be strictly directed by the provisions of the act of incorporation, as the constitution of the Managers, which provides for every thing. Acts of incorporation are predicated on this principle; and contain within themselves all necessary power.

It is as well understood, that literary men, who devote themselves to public teaching, are seldom remunerated according to the services they render the community. While they are laboring for the public good, the value of their mental operations are not perceived, or duly estimated. While every one reaps the benefit of their intelligence, which works unperceived, no one acknowledges it, or credits them for it. Few reflect, that knowledge is power, and that science constitutes the honor and glory of nations.

In 1797, I adopted this city as a permanent residence, and became acquainted with the late professor, John B. Davidge. He

had been educated in the University of Edinaburgh, where he had devoted himself to the cultivation of anatomy and physiology. We frequently conferred on the prevailing theories and practice of the day, as they were taught and pursued on both sides of the Atlantic; and although we were at issue on certain theoretic points and modes of practice, we soon came to the conclusion that the science could not be successfully taught, under the usual organization of medical schools. We either did see, or thought we saw, that without the aids of physiology and pathology, either associated with anatomy, or as a separate chair of Institutes, the philosophy of the body, in sickness or in health, could not be understood. This was the basis of our scheme, and the ground on which we erected a school, that once was much easier envied than rivalled.

At that period, no effort could be made with a prospect of success. The materials necessary to constitute a faculty, could not be found without time for deliberation. We saw our way clear to fill two chairs, but there were no other men who were willing to embark in an untried experiment, so inauspicious and problematical. From this time to 1806, while the necessity of such an institution as we contemplated became more manifest, nothing occurred to favor our design. In the winter of that year, Doctor Davidge, at the request of four pupils, was solicited to undertake a course of Obstetrics, which he delivered to the great satisfaction and benefit of his little class. His lectures were followed by some excellent reflections, on certain controverted opinions in physiology, which created a still greater thirst for knowledge in the minds of his pupils, and animated us to unite in the common cause.

About the conclusion of this course, we acquired a great accession in the talents and character of Doctor James Cocke, of Virginia. He was not only an accomplished anatomist and surgeon, but an able financier, and was principally instrumental in devising the ways and means by which we were ultimately enabled to prosecute our scheme.

In January, 1807, Doctor Davidge renewed and extended his courses. He dwelt more emphatically on both physiology and the

philosophy of Obstetrics. On the latter he, probably, never was excelled, and not surpassed in the former by any one of his time. Here he was interrupted in his course so felicitously commenced. He had erected a small anatomical theatre, at his own expense, on his own ground. It was discovered by the populace that he introduced a subject for dissection. The assemblage of a few boys before the door, was soon accumulated into a thickly embodied mob, which demolished the house and put a period to all further proceedings for that season. Such were the vulgar prejudices against dissections, that little sympathy was felt for the doctor's loss, or the mortification he suffered. He had no redress by an appeal to the justice of the case before any civil tribunal; and his only remedy was in a renewed and vigorous prosecution of his plan, with the co-operation of his colleagues.

This disaster animated us to pray the legislature for authority to open a Medical College, under the guarantee of the state.

The winter, 1807-8, marks a memorable era in our history. While we proceeded with mature deliberation, we acted decisively. We could not appear before the legislature with an incomplete delegation of candidates; and to ensure success, it was necessary to fortify ourselves by the names of men known for professional worth and moral integrity: taking care that none should aspire to a seat in the temple of science, who were not consecrated by a well-earned fame.

After frequent interchanges of sentiments and mature deliberation, we determined to recommend to the legislature, the following names, as suitable persons to fill the several chairs, according to the division of the subject matter necessary to comprehend the whole circle of Medical science:

John B. Davidge and James Cocke, Professors of Anatomy, Surgery, and Physiology. George Brown, M. D., Theory and Practice of Medicine. John Shaw, Professor of Chemistry. Thomas E. Bond, Professor of Materia Medica. William Donaldson, Professor of the Institutes of Medicine.

This adjustment of the departments was presented to the House

of Assembly, and the prayer of the petitioners was granted, under the free and unlimited charter of 1807, from which we derive our original authority. The non-acceptance of Doctors Brown and Donaldson, had been anticipated; and the talents and influence of Dr. Bond were lost.—He was compelled to decline, on account of ill health, which for a time caused him to retire to the country, vacate his chair, and abandon his practice.

The non-acceptance of three persons named in the charter, arrested our progress, and presented a temporary obstacle to our success. By a provision of the charter, the Medical Board of Examiners, under the law of 1798, were created governors of the college, ex officio, and held the sole power of appointment. They were convened in July, to fill the vacant chairs. A full meeting could not be obtained, and they adjourned to the 8th of October, when the resignations of Doctors Brown and Donaldson were accepted. Doctor Brown nominated me to the practical chair, and I was accordingly elected.

Even at this crisis, less zealous votaries of science would have paused and perhaps relinquished the object we had so long cherished. Destitute of every thing, but an enthusiastic spirit—without a place to accommodate a class, however small, we determined to lecture in our own dwellings. We began with *seven pupils*, and imperfect as our courses must necessarily have been, they were favorably received, and we conciliated the good will of both our pupils and the faculty generally. Hope so long deferred seemed now to promise a reward to our exertions.

At the annual period of commencing our next session, we were equally destitute of all public accommodations. We had no anatomical preparations or chemical apparatus, not made by the professors. The labours of the preceding winter had inflicted a deep wound on the constitution of the professor of chemistry, who lingered till the next autumn. He was one of the ablest and most devoted chemists that ever filled a chair. No man ever accomplished more, with the same means, in so short a time. He was succeeded by the late lamented Dr. Elisha DeButts, whose brilliant,

though short lived career, could receive no eulogy from any thing I could add to his well-earned fame.

At the opening of the session, the sphere of education was extended by the creation of a separate chair of Obstetrics that had been held by Dr. Davidge. Dr. R. W. Hall was elected, and has from that time been highly distinguished in his department.

Our class was now augmented to ten pupils, but we found it impracticable to accommodate them in our dwellings. The only alternative that presented itself, was an old, almost uninhabitable wooden building at the S. W. corner of Fayette street and McClellan's Alley. It had been occupied as a school house, but from decay had been tenantless for some years. The professors of Anatomy and Chemistry after occupying it some time, contracted pleurisies, and for some weeks were obliged to suspend their courses. During the month of January, the weather became intensely cold, and almost every morning the professor of Anatomy found his subjects frozen or covered with snow or ice; while the professor of Chemistry, often found his materials for experiment destroyed, or rendered unfit for illustration.

The professors of the Institutes and Practice of Medicine could not be accommodated in those rooms, while their colleagues were occupied almost constantly in dissections and chemical experiments. In this dilemma, they experienced great kindness from the politeness of Mr. Mallet who tendered to them the use of his spacious ball room in Commerce street, from the hour of twelve to two o'clock, for the season.

During the winter, 1809-10, we occupied the same apartments, teaching a class of eighteen pupils, but with no other advantages except an increased ardour, that sustained us under almost incalculable difficulties. Incidental expenses were many and heavy, but they were liquidated from our private funds.

In April, 1810, we conferred the first degrees of Doctor of Medicine, on *five* candidates.

At the session of Assembly in 1811-12, we petitioned for the grant of a lottery to raise funds to erect a suitable building. The

legislature made a liberal grant accordingly; but from the tedious process of the lottery system at that time, the proceeds were necessarily unavailing, while we were destitute or dependant upon the liberality of others. With this prospect, which was problematical, we resolved to commence operations on our own credit and responsibility, provided the means could be obtained. The spot upon which the University buildings now stand, attracted our attention as a commanding, eligible site. It was the property of the late venerable Colonel John E. Howard, who was not disposed to sell it. He had been frequently solicited by high and tempting offers, which he had refused. We stated to him our object, and the advantages that might result from the establishment of a Medical school, both to the state and the city. He did not even ask time for reflection, but acted not only liberally, but generously. He had, a few days before he was waited on by our committee, refused ten thousand dollars for the ground. Our appeal in behalf of science, drew from him a proposal to sell it to us, on our own individual credit, for nine thousand dollars, at our own time. This philanthropic act made him the first patron of the College, and will be held in grateful remembrance by the lover of science, as long as it shall be necessary to cultivate Medicine as a science.

On the seventh of April, 1811, the foundation stone of the University of Maryland was laid by Colonel Howard, with the ceremonies usual on such occasions.

The scheme of raising funds by lottery was still unavailing; but with what pecuniary aid we could furnish, and the indulgence of our creditors, the building proceeded so far as to be partly tenable on the last Monday of October.

From this period, our prospects began to brighten. The lottery now afforded us an alleviation from a part of our debts, and every successive season brought an accession of pupils. In the height of our contemplated triumph, on the eve of victory, the temple of science was hung in mourning by the sudden demise of our colleague, Doctor Cocke. He died on the day, and at the very hour, the college was to have been dedicated by his introductory

lecture. This bereavement, independent of the loss of his powerful co-operation, vacated the chair of Institutes, by obliging Dr. Davidge to assume the double duty of teaching anatomy and surgery. Previous to the next session, Dr. Maxwell McDowell was appointed to the chair of Institutes. It was now clearly perceived, that the duties involved by the anatomical and surgical chair were too arduous to be imposed on the professor of anatomy, and that the interest of the school would be promoted, by instituting a distinct surgical department. Professor William Gibson, now the distinguished incumbent of the surgical chair in the University of Pennsylvania, was recommended and finally elected.

No material change occurred, in the economy of the medical department, until 1820, when the professor of surgery accepted, in Philadelphia. The vacant chair again reverted to Doctor Davidge, for one session; and at the termination of the course, it became necessary to seek for a successor. While the Faculty were deliberating on the choice of a professor, I, on my own responsibility, without imparting my intention to any one, made a personal application to Doctor G. S. Pattison, and invited him to Baltimore. He came to this place in July, and was elected professor of surgery in September, 1821. While he acquitted himself honorably, and with great satisfaction to the class, it was manifest that anatomy was his favorite pursuit, and would have been preferred in the first instance. After great deliberation and much discussion, he was installed into the chair of his choice. The popularity of the appointment was discoverable before the opening of the school, and created a division in our favor,—the current of which, flowed on uninterrupted, till bodily indisposition, and a change of government, under the fatal supplement of 1825, banished him from the Institution. He declared, from the moment the revolution was known to be contemplated, that he never would serve under imperial masters, while he had no voice in the choice of his colleagues, who, with him, were bound jointly and severally, to support each other.

It would be superfluous to enumerate the fluctuations of the anatomical chair, from the organization of the college. It has been attended by a singular fatality. Cocke, Davidge, Wells, and Lincoln occupied it, and died while they held it. Geddings, who occupied it last, though living in another region, is equally dead to us—to the school of which he was one of the brightest ornaments. He was banished by intrigue, injustice, and envy, never to return, and never to be rivalled.

Here we must recur to the charter of the College in 1807, to illustrate certain principles, and to show that a fair representation of the wrongs we have suffered has never been understood by the Legislature; and that in all our applications for relief, for even naked justice, a secret, sinister influence has given a false, artificial colouring to every feature.

The charter of 1807 was established on a principle that every man of common sense will admit, is founded in reason and propriety. It provides for the election of professors and lecturers by their peers, the Medical Board of Examiners; physicians, who were made the Regents ex-officio, filled all vacancies after the promulgation of the charter. The selection was not made by a heterogeneous mixture of individuals, but by men who knew the difficulties and dangers of a misnomer, and felt the responsibility. So sensible were they of the arduous duties imposed on them, that they were the first to suggest and urge the necessity of placing the government in the hands of the Faculty. Doubting their own capacity to choose in all cases, they proposed to resign; and to strengthen and give eclat to the school, it was proposed by them to ask of the Legislature the power of annexing the other three Faculties, under the name and title of the University of Maryland. The prayer of the petitioners was granted, and the principle of self-government was recognized, and successfully practised till the passage of the supplement of 1825.

Since that disastrous period, when our rights were invaded and our prerogatives wrested from us, we have been constantly declining, till the fatality of the system adopted by our successors, can be no

longer tolerated. To demonstrate that our claims to redress, cannot be invalidated, it behoves us to show, on what conditions we undertook to originate the institution; and on what terms we asked and accepted our charters.

— The arduous task of originating and imparting reputation to a Medical School, is, under the most favorable auspices, a problem only to be solved by an experiment; and never was such a scheme projected under more unpropitious circumstances. Three men, under the imputation of arrogance and presumption, held up to public contempt, without money and without friends, in the face of one of the most celebrated schools in the world, founded and elevated to the summit of fame, an institution that first gave to Maryland, “a local habitation and a name for Medical science.” A name, that, however much it may have been envied; could not well be rivalled. There must have been some secret charm, that gave polarity to the magnet, when at the moment our misfortunes began, there were more than *three hundred* pupils in the Medical department, and a Law Faculty, flourishing under the tutelage, of the pre-eminently learned and accomplished incumbent of that chair. The University of Maryland, then began to reflect back the lustre borrowed from transatlantic luminaries. The courses of physic and law, attracted pupils, not only from the several States of the Union, but from almost every clime; and was at once, the pride and ornament of the State.

Previous to the passage of the ill-omened supplement of 1825, it may be fairly predicated of the Medical department of the University of Maryland, that it presented an example of success and prosperity, that in so short a space, under so many opposing elements, has no parallel in the annals of similar institutions. Contrast it with its fallen state, at this moment, and it presents a solecism in the history of schools; an example of decay and dilapidation, too melancholy to be contemplated without emotion. We can only find a precedent to such a violation of literary justice and decorum, in the annals of barbarism.

When Otho burnt the Alexandrian Library, he was not actuated by a hostility to science, but a vindictive spirit, to weaken and mortify his enemies. Before we can find a parallel to the disaster that blighted and ruined the fair fabric erected to science, we are compelled to resort to a warfare waged by Africans and their descendants, against humanity and even Christianity. The natives of Saint Domingo, burnt the libraries of their masters, because they conceived themselves enslaved by the knowledge imparted by their books. Although our fate was not decreed by one single act, nor effected by any sudden convulsion, it was achieved with equal certainty, and the consequences were as disastrous. The scheme of rearing a Medical School in this city, originated in a spirit of philanthropy, and was conducted by a generous policy and noble enthusiasm. Its founders did not aspire to personal aggrandisement, nor did they contemplate it as the high way to fortune. It was commenced upon a liberal and magnified scale, more for the benefit of posterity than themselves. They asked protection for themselves and their successors. This reasonable request was guaranteed by the only power that could legally confer it. It became our occupation, and to exercise it beneficially, we measurably relinquished all other pursuits.

In human affairs, we often experience the most extraordinary results, from causes seemingly the most trivial, that seem scarcely to bear an analogy to the effects they produce.

In portraying the causes of our misfortunes, we feel a fraternal reluctance and an unfeigned regret, that we may molest the ashes of some of our departed colleagues, the illustrious dead. We acquit them of all intention to injure us. We were embarked in one common cause, and have been involved in the same common fate. An error in judgment, is all that can be imputed to them. It is the lot of humanity. They magnanimously acknowledged it, and were the first to complain, and repented in sackcloth and ashes.

Previous to the year 1824, under all our troubles and fluctuations of fortune, there was as much kindness and harmony among the Medical Faculty, as was possible, in the prosecution of an enter-

prize so complicated and difficult. The prospect of mutual benefits produced mutual forbearance, while honest differences of opinion were disregarded, or easily conciliated. It is true, that some of us were almost bankrupts in fortune, but not in fame. We had spent the remnant of our fortunes in the enterprize. We staked it on the cast of a single die, and took the chances, while our prospects seemed to brighten in the exact ratio of our liberality and zeal.

In the full tide of success, on the eve of victory over all obstacles, the malignant influence of an unforeseen and uncalculated star fell upon us, and blighted our prospects. The current of prosperity was reversed. Instead of union and strength, we were divided—and by division, subdued. The will of two of the Medical Faculty prevailed against the voice of five of their own colleagues and that of the whole corporation. While all the members of the three other faculties were kept in profound darkness, the work was begun and nearly accomplished, before we could assume an attitude of defence. It was too late to remonstrate against the impolicy of the measure, or depict the disastrous consequences that were clearly foreseen. When a solemn and prophetic appeal was made to the minority, it was too deeply enamored with the fancied beauties of reform, to listen to our entreaties. We represented, in vain, the indecorum, as well as the illegality of touching chartered rights without the consent of the whole corporation, and drew the most awful picture our imagination could conceive, of a literary institution governed by men, without learning and without experience, and predicted all the disasters we have since suffered.

Two of the Medical Faculty (for what reason we knew not) had imbibed strong prejudices against one of their colleagues. They had differed before, on some trivial matter of discipline, which had been amicably adjusted in the Faculty. The flame had expired, and never would have been revived, but for an incident, that stirred the deceitful ashes that concealed the embers of discontent. The same minority of two, devised the scheme of instituting courses of private lectures, independent of the authority of the Regents, at hours not occupied by public teaching. This imposed on the pu-

pils both double fees and double duties; neither of which could be sustained without great inconvenience. Independent of these objections, they had not long put the project into execution, before it was discovered that they departed from the sphere of their chairs, and by assuming to teach the branches prescribed to their colleagues, came directly into conflict with us—This created parties, and fomented dissensions among the pupils. The harmony that ought to have been maintained to preserve the integrity of the school was thus interrupted, and it became necessary to appeal to the whole body of Regents.

A committee of the Medical Faculty was appointed to draft a memorial representing their objections to the course pursued by their colleagues, and they decided at once against the minority. They passed a unanimous resolution, declaring "*that no professor should, during the session of the classes, deliver any lecture to the pupils of the college, and receive a compensation for the same, except officially ex cathedra.*"

During the next summer, some inuendoes were expressed by the malcontents, rather in a style of complaint, but no formal complaint was made. They signified that they were restricted in the exercise of their privileges by the decree of the Regents. The subject was introduced, incidentally more than once, colloquially, and they were given to understand that the latitude given to their chairs at the organization of the college, afforded an ample field for the display of all the talents they possessed, and that the decision of the Regents must be final.

At the opening of the session of the legislature, (November, 1825,) it became necessary for the Regents to make certain representations to the House on other subjects entirely unconnected with the matter in dispute; and accordingly, a committee, composed of the professors of Chemistry and Practice of Medicine, was despatched to Annapolis. Having remained ten days, and performed the duties assigned to us, I proposed that we should return to our duties in the college; and on the eve of my departure, early in the morning, before the meeting of the House, it was intimated to me

by a member, "*that complaints had been made against the Medical Faculty and Regents, and that a proposition had been made to change the government of the school.*" My surprise was only equalled by the mortification I felt. No such design or wish had ever been intimated to me, my colleagues, or any member of the Regency. I expressed to my colleagues my abhorrence of such a proposal, and assigned my reasons against its impolicy and injustice. I foresaw the operation of the change, and predicted the consequences. He appeared to be satisfied with the representation made, but made no reply. I found it necessary to remain at Annapolis, to combat the sinister impressions that had been secretly made, and soon perceived that the matter had been agitated and discussed out of the House, and that there was much division among the members. I found there were several schemes afloat, all equally visionary and impracticable, though there was none definitively settled. I now thought it my duty to repeat my regret to my colleague, which was increased by the reflection that he had been represented as the prime mover of the scheme. He did not respond freely to my remarks, but I perceived he was inclined to innovation, and intimately associated with the phalanx that finally prevailed. Finding the prejudices against the Faculty and Regents so inveterate, and constantly fomenting, among those who were daily enlisted against us, while they were destitute of all understanding of the real merits of the question, disregarding law and justice, I appealed to the immediate representatives of the City of Baltimore, as the natural depositories of our rights. The city was represented that year, by Benjamin C. Howard and John S. Tyson, Esquires, who were divided. Mr. Howard advocated the measure on the ground of expediency, while he admitted it to be unconstitutional. Mr. Tyson opposed the bill in every stage of its existence. He made an eloquent appeal to the House, and demonstrated its inexpediency, injustice and unconstitutionality; and concluded by shewing that the charters of 1807 and 1812 were bona fide contracts between the state and the Regents. A more learned and impressive defence of the sacred obligations of charters has seldom been made,

but it was lost in many of the members, who understood the speaker as well as they would have done, if he had been demonstrating a problem in spherical trigonometry, or calculating an eclipse. The doctrine that they had the right to pull down what their predecessors had built up, was as captivating as its antipode was offensive. The defence of chartered privileges was novel to novices in legislation, who were encouraged by the broad exterminating doctrine maintained by the speaker of the House. He predicated his defence of the bill upon the unqualified right of the legislature to destroy whatever they had the power to create. A power, the prerogative of Omnipotence alone, as arrogant as it is sinful. This doctrine pre-supposes and assumes a principle, of all others the most demoralizing and abominable; that the end justifies the means. It leads to the subversion of all law, and leaves no security to virtue. Life, liberty, and property are unsafe, wheresoever it enters a legislative body. This disorganizing movement was rendered more captivating by the temptation constantly held out to weakness and pride, under the promise of being made trustees, under the new regime. Many who were thus captivated by the incense offered to their vanity, (some of whom were made trustees,) were as well qualified for the office, as they would have been for a mission to Saint James, or a voyage to the poles to find out longitude. Almost every avowed advocate of the bill, in the House or out of it, sooner or later was gratified by an appointment, or procured it for some favorite.

I would ask here, whether the minority or the majority was most entitled to respect in the solitary altercation that produced the change of government? Was this a sufficient cause for legislative interposition? Did not the charter provide for the mode of adjusting all such disputes? Was any allegation ever made by any one, in or out of the House, against the capacity or moral integrity of any member of the Faculty of Physic, or either of the Regents?

A succinct history of the administration of our successors will furnish a melancholy commentary on the progress of the Institution, under their administration.

The legislatures of 1807 and 1825 seem to have viewed a Medical education, and the tenure of the chairs of professors, through different optics. That of 1825, either did not inquire into, or totally disregarded the terms on which we accepted the original charter. They seemed to consider us as having prayed for privileges to make our fortunes, and classed us with that description of doctors who practice Medicine as a trade, and not as a science for the benefit of mankind. It was urged, in argument against us, that we were making too much money, but the beneficial influence of our labors were not named or calculated. No very profound degree of reflection would have taught them, that to become successful teachers, we must of necessity have encountered almost incalculable difficulties and incurred great expenses, even before we were qualified to study, much less teach Medicine. We were obliged to relinquish no inconsiderable portion of a lucrative practice; we were bound by the ties of humanity to withdraw ourselves from society; to move in concert with all the improvements of the times; to sustain an honorable competition with rival schools, and to trim the midnight lamp the remainder of our days.

We adopted teaching as our occupation for life. Our acquirements and our time were our capital; and, unless we had been assured by a solemn pledge of the state, that we should be secured in the uninterrupted tenure of our chairs, we never would have accepted them. Our occupation was our living; and there is no more justice in wresting it from us, than there would be to tell the merchant or the mechanic to quit his business and seek some other employment. Suppose the legislature should, from misconception, misrepresentation, or malice, against some obnoxious individual, declare the charter of a bank or rail road null and void, or set taskmasters over the directors, what would be the sense of the community on such a usurpation? Our charter is the common law of the land; and what is common law, but common sense reduced to a rule of action? What is a charter but a practical illustration of the rule? It is a contract between the state and individuals. The state grants certain privileges, and in return, receives reciprocal ad-

vantages. It is made perpetual. It does not sicken and die, as we must. It is immortal, and is the tangible fountain of power forever.

The terms on which we prayed for our first charter, were clear, specific, and well understood. We acted with circumspection. To evade the caprice of fluctuating legislation and the influence of envy, malice, and the arts of intrigue, we took counsel of the most learned in the law. We presented a copy of our charter to the late pre-eminent Attorney General, Luther Martin. He gave us the solemn assurance, that no earthly power could divest us of our rights, or dissolve the compact to which we were a party.

We were well aware that no public literary institution could be long prosperous and useful, unless it were placed beyond the caprice of the legislature. The history of our own state, as well as others, and, indeed, that of most nations, irrefragably prove, that such schools must be left to the management of those, whose interest it is to direct them. And it is the result of universal experience, that the governors must be men of learning, competent to decide between all aspirants to such offices. The organization and economy of a Medical school, is a branch of Medical police, cultivated by very few, and but little understood, even by physicians. Some of the gentlemen who have been principally instrumental in entailing our misfortunes upon us, seem to consider the trust reposed in them as a game of snap and rattle, played by chance with unskilful hands. It may have been sport to them, but it is death to us. If they did comprehend the arduous duties they were appointed to perform, they must have been specially inspired; and I believe there are very few of them who claim such a prerogative.

The house had a precedent of their predecessors before them, that might have deterred them from interfering so precipitately with vested rights. The chartered privileges of Washington College had been invaded, and the school annihilated, although it was founded by private subscriptions, and afterwards maintained in part by the state. This flagrant violation of justice, and contempt for the interests of science, is still unpalliated and unavenged. Where was the spirit of our forefathers, that love of learning, that

erected this noble institution, that it did not appeal to the laws, and cause the state to disgorge the treasure wrested from the lawful proprietors?

The legislature of 1825 proceeded precipitately; they never deliberated, and did not understand the merits of the case. They were actuated by specious, but false representations, which they did not analyze.

Before we can comprehend the character and conduct of our masters, under the supplement that has been dignified with the name of a charter, and from which they derive their spurious authority, it will be necessary to shew that they have misconstrued their own law, and violated its letter and spirit. They have repeatedly applied to the legislature, and compelled us to apply for power to do certain acts, while they and we are, by the express provisions of the charter, placed beyond the control of all power, except the charter, which is our constitution. If the law of 1825 is legal and binding, they are thereby clothed with all power; if it is not, they are divested of all power; and if the original charter for which we contend, is inviolable, every subsequent act of the legislature is void. It seems to be of no consideration to the trustees, as they now exist, what construction any other tribunal may think proper to put upon any charter, or any private act of the legislature. They have uniformly interpreted them all to suit their own purposes. When we appealed to them for redress, they had no power to act without new legislative authority; whilst on some occasions they contended for the omnipotency of their charter. When they contemplate the acquisition of power, the law justifies any procedure. When money was to be received, it was always constitutional; when it was to be paid, it was always unconstitutional.

Both the members of preceding legislatures and the people, have imbibed certain erroneous opinions that have contributed essentially to injure the institution, and impair the confidence originally reposed in the Medical Faculty. Ask the members of the legislature, at any period since 1807, by whose means the school was founded? Who erected the buildings? Who bought and paid

for the apparatus? Who imparted to it reputation and public confidence? Many of them, to this day, will tell you it was built and endowed by the state, at the public expense. From this superficial view, it follows of necessity, that every man thinks he pays a tax to maintain it. There is another false inference drawn from this original error. The uninformed believe that the property held in trust, for the benefit of all, belongs to the state; and that we are tenants at will, amenable to the state, in law and equity, in all the fiscal concerns of the establishment.

It can be no matter of surprise that this impression should have gone forth, and has become habitual, when the legislature of 1825 assumed the principle that they had the right to transfer all the corporate possessions, real and personal, to our imperial masters, which they could not have done legally unless the title was vested in the state. Although they left the Medical Faculty in the unmolested tenure of their chairs, the trustees, by a construction of their own, arrogated to themselves the power of binding us hand and foot, and indenturing us to them. It was too barefaced and presumptuous for legislative decorum to say, that we were made over to the masters they appointed, but it was congenial to the supercilious contempt of learning in the trustees, to require us to accept what they had no right to confer. While we had no power to resist, we were required to come under their dominion, under the penalty of expulsion, while we were allowed only fifteen days to determine.

So far has the state been from extending to us any direct act of generosity, in all our embarrassments, wants, and poverty, that it never directly contributed, or in any way appropriated (without a consideration) a dollar for our use. While it has made donations to other colleges, and endowed almost every petty academy in the state, it has left us to the forlorn hope of extricating ourselves from our embarrassments. If they had left us in the possession of our vested rights, we would have provided the means of liquidating our debts. They took from us both the power and the means of power, by authorizing our masters, not only to transact all the financial

concerns of the institution, but to seize our perquisites, and restrict us in the exercise of our official duties.

Several acts have been passed by the state, with the titles of "benefit to the College and University." The loan of thirty thousand dollars, for the use of the University, while it wore the aspect of liberality, and ostensibly redounded to the honor of the state, imposed a tax of fifteen hundred dollars a year upon the Medical Faculty alone, which they have paid out of their own private funds.

If the various grants of lotteries to the Medical Faculty and Regents, are to be viewed as acts of extraordinary kindness and condescension, we stand on the same ground with hospitals, turn-pikes, bridges, and private individuals who petition for their own benefit. Literary institutions, under the sacred obligations of a charter, claim a higher consideration. They are instituted for the republic of learning throughout the world, while the agents appointed to minister to the public good, are never adequately remunerated.

It is admitted with a grateful pleasure, that toward the close of the Regency, the state adopted a more liberal policy. The legislature granted the privilege of raising one hundred thousand dollars, unfettered by a provision; but it is equally true, that we had paid a tax of fifteen per cent. on previous grants, to the amount of three thousand dollars, or more.

It is to be observed, that the hostility to the interests of science manifested by the trustees, was not directed exclusively against the Medical department. They aimed a deadly blow at the Faculty of Law, which they annihilated. They passed an illegal, exterminating resolution, declaring all the members defunct, except the professor, who was left a monumental relict of their vindictive spirit, after ten years toil, and the expenditure of his own means in unlimited profusion. The chair had ascended in reputation, in the exact progress of the time when it was created; and where are the incumbent's laurels or his reward? The consolation, that he had done his duty, while he was virtually expelled.

If we may be permitted to be guilty of some repetition and circumlocution, the merits of the question of right, and the practice of the trustees, may be tried by the rules of common sense. The charter of 1812 is our constitution. The supplement of 1825 is the pretended rule of the trustees. The charter of 1812 continues and perpetuates all the rights and immunities of the original act of 1807. It differs specially in only one item, as it regards the Medical Faculty. It clothes them with the power of appointing their own professors, lecturers and officers. It is clear, liberal and imperative; and lest the faculties, or any of them should willfully or ignorantly, do any act contrary to, or inconsistent with its provisions, it expressly provides, "*that we shall not be capable of forfeiting our rights and privileges.*"

"And be it enacted, that in case, at any time hereafter, through oversight, or otherwise, through misapprehension, and mistaken construction of the powers, liberties and franchises in this act of incorporation, granted, or intended to be granted, any ordinance should be made by the said corporation or Regents, or any matters done and contracted by the said corporation, contrary to the tenor thereof; all such ordinances, acts and doings, shall of themselves, be null and void, and they shall not in any courts of law, or by the General Assembly, be deemed, taken, or interpreted, or adjudged, into an avoidance, or forfeiture of this act or charter, or act of incorporation. But the same shall be and remain unhurt, inviolate and entire unto the said corporation and Regents, in perpetual succession, and all their acts conformable to the power's true intent and meaning, shall be and remain in full force and validity; the nullity and avoidance of such acts, to the contrary notwithstanding."

Is not this the language, style and manner of all legislative acts, conveying perpetual and inalienable rights? Can it be more emphatically and peremptorily expressed? Does it not grant and fulfil the spirit and letter of the prayer of the petitioners?

This is the solemn contract between the state and the Regents, that has been violated by an illegal assumption of power; that has extinguished the lights of science, and banished its votaries from

their domicil and livings. Hard and merciless as this act is, it might have been tolerated, if the power wrested from us had been deposited in clean hands and clear heads, of men willing and capable of ministering to the wants of science.

The whole tenor of the supplement of 1825, is a calumny against reason and justice. It betrays an ignorance or contempt of law, justice, and the rights of both individuals and the state. It is as wanton, as it was unprovoked and unmerited. While it clothes our oppressors with unlimited power, it deprives us of all the public privileges of freemen. It takes from us the right and power of choosing and judging of the character and qualifications of our colleagues. It tempts us with the shadow of power, while it withholds the substance. We are not only permitted, but bound, to nominate one or more candidates to fill vacancies, while our masters are at liberty to reject our recommendations. They are the sole judges, and have sometimes rejected our unanimous choice. We were permitted to teach, but so fettered, that the latitude of our chairs was too circumscribed to permit us to exercise our own wills.

We must again return to the supplement, to shew the injustice and inconsistency of our governors. According to the express language of their own law, they were bound to let us remain in the unmolested tenure of our chairs, and the uninterrupted performance of our duty; but by an assumed, unwarranted construction of the law, they were the first to violate it. They insisted on declaring our chairs vacant, that they might subject us to their dominion, by requiring our acceptance. Conscious of a want of power, and finding themselves in a negative position, they covered their nakedness by attempting to intimidate us into compliance. They had no power to expel us from our chairs, except from a want of capacity to fill them, or the violation of the laws of morality. They made no pretence of either. We were well aware, that we could not legally accept that, which they had no legal right to confer. If the law, from which they derived their authority, was illegal, every act done under it must be invalid, as a moral consequence,

whatsoever may be the technical import of the law. The same law that took from us all other powers, required us to make a deed of conveyance of the ground on which the buildings were erected, although it was held in trust, for the benefit of the public, by the corporation of Regents. We were also aware, that this was a stretch of power not warranted by law or equity; but with the same feelings that led us to accept our chairs, we obeyed. As we could not have conveyed the property, under the Regency, legally, without the consent of the whole corporation, the legislature could not compel us to do it; and it is questionable whether the corporation could consent to such an act.

We were desirous of peace, and wished to cultivate it, even by a partial surrender of our rights. We agreed to a pro forma acceptance, to conciliate all parties. We tried an experiment that we foresaw would terminate in our destruction, and the incalculable injury of science. The four faculties entered and recorded their formal protest against the constitutionality of the law, fortified by the advice of eminent counsellors; but they were not prepared to enter the lists of the law. The supplement that conferred all power on the trustees, gave them the unlimited command of all the property and funds, while the Regents would have been exposed to the incalculable cost of a suit at law, at their own expense.

Notwithstanding the inconsistency of the law of 1825, and its injustice, it is both just and consistent in making those liable for all the debts and contracts of their predecessors, who received all the money and other property of the institution. Notwithstanding the explicit language, in which this clause is expressed, the trustees did not construe it literally; and peremptorily refused to liquidate the debts contracted by their predecessors.

We have given a true and full account of the causes that led to the illegal interference with our charter, and would appeal to all rational men, and ask, would these causes have been sufficient to change the government of the school, even if the allegations had been true? As an integral part of the corporation, any dissension among us could not affect the obligations of the charter. If we

had quarrelled, or shed each others blood, the private police of the school prescribes the mode of adjusting all disputes. The preamble of the law of 1825 speaks another language, and takes not only a presumptive, but a false ground. The very first sentence is predicated on false premises.

“Whereas experience has shewn that the public good, and the proper discipline and government of the University of Maryland, requires important alterations in the act of incorporation.” This is a novelty in legislation, an exordium sui generis, a fair specimen of the whole act. The experience upon which it affects to be predicated, was diametrically opposed to the stated grounds of a change of government, and annihilates all the visions of infatuated revolutionists. Mal-administration could not be charged, nor was it pretended. Eighteen years of unprecedented prosperity, was no fiction, but a matter of history. We began with six pupils, and on the day the fatal supplement became a law, we lectured to three hundred and twenty pupils! What have they now within the same walls? A beggarly account of empty benches; the remnant of departed greatness, raked together by importunity, intrigue, misrepresentations, and the recruiting services of the satellites of tyranny.

There are still living some of the members of the memorable House of 1825; and I appeal again to their candour and sense of justice, whether, during the protracted discussion, that preceded the passage of the bill, there was a single charge ever made against the moral or physical capacity of any member of the Medical Faculty, or any member of the corporation, under the Regency? I further demand of the trustees to answer, whether they found, when they came into office, any rule or by-law they could alter or amend? Their sole mental resources were directed to the finances of the institution, and not to the advancement of medical education. They seemed to consider themselves in the situation of the directors of a bank, while they were the only stockholders. They broke through their privileges, and arrogated to themselves supreme power, whensoever they came into contact with the fiscal

concerns of the institution. They violated their own law, to facilitate their access to the treasury. They felt that they were acting under a usurpation, and were obliged to adopt the absurdity, that two wrongs make a right; which is not truer in law, than in morals.

It has always been to me a matter of equal surprise and regret, that the trustees should have consented to serve under the supplement. There were some of them learned in the constitutional construction of charters, to whom it must have occurred that the act was void. It was once remarked, by a distinguished jurist of this city, "*that the legislature of Maryland held itself to be omnipotent; and that so long as they made this doctrine a rule of action, there would be no safety for life, liberty, or property.*" While usage has grown into an axiom, that all laws are to be considered constitutional till they are repealed, or annulled by judicial decisions, there is no moral obligation to carry them into execution; and I leave them to decide, whether they preferred to act under the laws of God or man. There was a tribunal made before human laws were enacted, that might have led them to pause before they put their hands and seal to such an act. If they had permitted the current of their thoughts to have flowed, uninterrupted, through the channel of nature, they would have been directed by that "light that lighteth every man that cometh into the world," to return it to the hands that made it.

Such was the constitution of the body, that no other results, than such as necessarily flowed from them, could have been anticipated. It was so compounded, that it could not be defined. Instead of improving by age and experience, it constantly deteriorated. While it contained some who were well-inclined and well-informed, there were others as well qualified to judge of the economy of a medical school, as they would have been to construct an orrery. There was such a repulsive power between such discordant materials, that they never could combine for any beneficial purpose, and their deliberations frequently terminated in the ineffectual result of neutralized opinions. Suppose they had been required to originate and organize a medical school, from the materials of which they were

composed? You might as rationally expect to see men spring from the soil, under the laws of equivocal generation, as a medical college from such men. They were sent to school by the state, at our expense, to learn a science they were too old to comprehend. They held in their hands the destiny of the University. We have witnessed the catastrophe.

From the day they received the reigns of government, they assumed a hostile attitude to the Medical Faculty, and were jealous of all our privileges. They looked upon us as their inferiors, appointed to work journey-work under them. While they were informed of all we said or did, they studiously avoided us. Instead of cultivating social intercourse and familiarity, to promote harmony, they never consulted us, or asked counsel of us. They never interchanged an opinion with us, on any subject connected with the interests of the school. If they were doubtful of any proposed measure, they consulted those unconnected with the school, who either felt no interest in its prosperity, or did not understand the merits of the question. They held their meetings in conclave, and were inaccessible to us, except by letter, and held our opinions in contempt.

Their administration is an anomaly in the history of literary trusts. As the body was principally composed of men constantly occupied in business, the current of their thoughts were directed to their private pursuits, and could seldom be concentrated on the concerns of the school. As the law provided no pecuniary compensation, they at first made their office a sinecure. They were neither men of leisure or science.

They held no stated meetings, and when called on to act, were slow, indecisive, and desultory in all their movements. With a view of exonerating themselves from the labor of their office, and dividing any responsibility that might attach to them, they appointed an *Executive Committee*, residents of the city, to do their business, in the intervals of their meetings, as well as to obviate the necessity of meeting so often. Under this arrangement, business that required the deliberate consideration of the whole body, was trans-

acted by a small minority, and became very convenient, as it facilitated many of their operations, by evading direct culpability. If any application was made by the faculty, the committee had no power to act. If the board committed an offensive or unpopular act, it was charged to the committee. Thus they have accommodated each other by riding and tying to this day.

After they had arrogantly and unjustly required us to accept, under them, chairs they had no power to fill, they commenced a predatory warfare against our pecuniary concerns. Either disregarding, or not understanding the genius of the institution; contrary to immemorial usage; in defiance of all right; without an intimation to us, they seized upon our *graduation fees*, the perquisites of the professors since the establishment of Medical schools. It is the price of the Honorarium paid by the graduate, for the trouble of examining him, giving him credence, and authority to practice. This act poured no inconsiderable sum into the treasury of the school, and enabled them to create new offices, and give salaries to themselves and their friends. Such would have been their practice still, had it not attracted the notice of the legislature, which compelled them to relinquish us our perquisite, though not to refund what they had unjustly taken from us.

In all literary trusts, the office of a trustee is altogether honorary, but not one of profit, unless it is expressly guaranteed by the power that appoints him; and it is always considered indecorous to receive it. During the eighteen years from the birth of the college to the accession of the trustees, the members of the faculty performed all the duties of clerks and secretaries, without fee or reward. They not only made no charge for services, but none for books or stationary. What was the practice of the trustees, our successors? They appointed a secretary with a salary of two hundred and fifty dollars a year. They had no funds not created by the Regents, all of which either proceeded from lotteries granted to us, from services rendered by the Medical Faculty in the Infirmary, or donations or legacies offered to the popularity of the institution. As they had committed this violation of all usage and

decorum, like most errors, it led to another. It would have been supposed by any rational man, that the amiable incumbent of the office would have held it during pleasure or good behaviour; but it seemed otherwise to some of the board. They seemed to be suddenly conscientiously convicted of the sin of permanency, and became the strenuous advocates of rotation in office. It was delicately intimated that he *might* retire. Although he felt the annunciation with some sensibility, he acquiesced, and as delicately, by way of rotation, the son of one of the trustees was wheeled into his place. As the body of trustees did not visit the Infirmary, they appointed a committee for that purpose. They soon found it inconvenient, and the attendance became desultory and uncertain. To alleviate themselves, they selected one of the committee for the duty, and as a stimulus to his industry, gave him a salary of four hundred dollars a year. This nearly absorbed the revenue of the establishment after paying the ordinary expenses. Under the original agreement with the Regents, for erecting and maintaining the Infirmary, it was expressly understood, that as the professors were *ex officio* the physicians of the house, and did all the duty, that when the income should exceed the expenses, all the surplus should accrue to them.

I would ask whence did the trustees derive the authority to pay salaries to any officer they might create? It was not the practice of their predecessors, nor did the power that created them permit it. The money did not belong to them—they held it as trustees for the public. One of the trustees, who was the principal agent in the management of the Infirmary, had already been allowed four hundred dollars a year for his services, though it was the duty of that body to serve without fee or reward. This, for some years, absorbed all the surplus revenue of the house, and left nothing for contingencies. The superintendent, thus endowed, assumed the whole authority over physicians, pupils, and sisters of charity. He acted as the purveyor of supplies, and was the receiver of all the income; examined the books and accounts, but did not keep them. One of the senior students was his clerk. He commenced his ca-

reer, under the pretext of economy and retrenchment, on a penurious scale that has been uniformly observed to this time. While the house was abundantly supplied, as regards the dietetic part, the medical department was also under his direction. The rooms were occupied and disposed of, according to his directions. The medicinal supplies were procured by him, wherever they could be bought for the lowest prices, and, consequently, were of the worst quality. The physicians and surgeons were compelled to use their own instruments, although they received no compensation. We applied to the overseer for an article, without which, no public medical hospital can be conducted to the best advantage of the sick, or its own reputation. We asked for *leeches*, and were refused; we were told, (having once introduced them into the house,) that if we brought them to the Infirmary, we must pay for them, or that the patients must be charged with them. Thus we worked on, day by day, for years, with unremitted, united exertions, under our imperial master. "Stubble had we for straw, and slime had we for mortar."

Finding the proceeds of the house increasing, and far transcending its expenses, from increased patronage and reputation, while our labours were augmented in the same ratio, we felt more sensibly the burthen of our situation. We appealed to the humanity and justice of the board, and prayed them to consider the terms on which we had erected the Infirmary, as a *school of clinical instruction, for the advancement of medical education*. We claimed the reward of the labourer's hire. We were answered by those clothed with all power, "that they had no power." Baffled in every attempt to conciliate or convince, and reduced to the relation of servants and masters, we appealed to the legislature for redress. It had been known to the board, for some time, that such an application was contemplated, and while they felt the justice of our claim, they employed every art to defeat us, but in vain; for the legislature seeing the reasonableness of our prayer, scarcely hesitated to grant it. We now indulged a hope, that although the law did not operate retrospectively, and our labour had been lost, we should be com-

compensated for future services. In this we were as egregiously deceived, as we had been on every other occasion. They blasted our prospects by an arbitrary act of power, that left us and the legislature the dupes of their machinations. The committee of the Infirmary, who as a body, never inspected the house, or attended to the business for which they were appointed, now abandoned it, to create a more despotic dynasty. They appointed the superintendent, who had presided over us, *governor of the Infirmary, with a salary of eight hundred dollars a year.* As they could not take from us the surplus of the income by a direct refusal to pay it, this stratagem was devised, to absorb it and defeat us. To what tribunal was this self-created despot amenable? Do the constituted authorities of the state know, to what purposes our earnings are appropriated by pride and injustice? It would have been derogatory to official dignity, to have offered his excellency a salary less than the governor of Rhode Island receives for governing one of the United States. The state of Maryland could not expect fidelity and justice in the execution of a literary trust, for a smaller premium. This appointment covered all the surplus revenue of the Infirmary, and defeated the intention of the legislature, while it left us to serve out our time without redress.

Among the embarrassments created by the troubles and vicissitudes of fortune in originating a new institution, we became liable to the Bank of Baltimore, for some four or five thousand dollars. The money was borrowed to finish the Infirmary, after we had exhausted our own resources. Under the supplement, from which the trustees claim their right to govern us, they are required to pay all the debts of the institution. The time for which we had borrowed the money had expired, and they refused to pay the notes. The directors still indulged us, till their duty obliged them to bring suit against us. Judgment was duly obtained, and we were still destitute of the means of paying, all the funds having fallen in the hands of the trustees. We had no alternative, but the clemency of the directors of the bank, who extended to us another indulgence. While they commiserated our situation, the trustees were still obdu-

rate; but during the respite, they found that their refusal to pay the notes had occasioned some clamour, and that their popularity began to suffer. Finally, they came to the conclusion to pay the debt, but on such conditions as they were sensible we could not accept. While they held out the specious appearance of doing justice, they committed an act more unjust than their refusal to liquidate the claim of the bank. They addressed a note to the Medical Faculty, signifying their willingness to settle with the bank, provided, we would agree to relinquish another claim of greater magnitude, which they had uniformly refused to settle. This claim arose from the advances made by the professors, in erecting the college and furnishing apparatus. Our repeated solicitations to liquidate this account, were invariably followed by neglect or equivocation; and when they were pressed for a definitive answer, we were informed they had no power to pay us; but, that "if we would procure an act from the legislature, authorizing them, they would settle with us." This proposal was founded on an expectation that the legislature would refuse to pass a superfluous act, because the supplement of 1825 expressly directed them to settle all claims. If that law was valid, they were bound by the tenor of their office; if it was not, they had no power to receive the funds, or do any other act under it. It was, besides, a device to gain time and procrastinate justice. They were disappointed. The legislature passed a law, such as we asked, compelling them to investigate our accounts and settle them.

When the law came from Annapolis, at the close of the session, we reiterated our request; but they still hesitated under various pretexts, postponing from time to time, till popular clamour again alarmed them. Finally, they appointed a committee of three, of their members, who also, under various pretences, deferred their meetings for several months. At last, two of the three met; and after a laborious analysis of our accounts, from 1807 to that time, awarded us a balance of upwards of *sixteen thousand dollars*. After this deliberate act of their own body, on their own terms, we considered the controversy as settled. We did not imagine that we were des-

tined to be harassed with a vexatious, and, perhaps, an interminable suit in Chancery, to recover what they had decreed to be our due. The suit is still pending, and it was for the consideration of relinquishing this claim, that they proffered to pay the debt due the Bank of Baltimore. I could not condescend to stain a clean sheet of paper with the name, with which every just man would stigmatize such an act; one that dishonored the confidence reposed in them by the state, while it insulted us and evaded justice.

Here I could wish to put a period to the strain of complaint in which I have so long indulged; but the measure of their iniquities and our sufferings, are not full.

At the organization of the board, there seems to have been some jarring of elements illy compounded; some difference of sentiment, with regard to discipline and the privileges of the professors: such as examinations, diplomas, and conferring degrees. While there were some familiar with the usages of colleges, not studious of innovation, there were others, to whom all was new and unintelligible. They could see no reason why certain things were done, nor why they were done in a particular way. It appeared like necromancy, covered by a veil they could not penetrate; and lest we should practice the black art, they concluded we possessed too much power. They dreaded the aristocracy of learning, and were jealous lest we should do something they could not comprehend. Under the impression that our by-laws were devised to suit our own purposes, it was suggested that it might be proper to take from us the privilege of examining our own pupils for doctor's degrees. This was a direct imputation on our capacity to teach, or our integrity in awarding the honors of the school. It was calculated to convey the impression, that there were others better qualified to decide on the merits of the candidates; and if the proposition had been adopted, it must have given rise to a controversy, to which the professors must have been a party, and the trustees the judges.

Another proposition, equally derogatory to the faculty, was agitated. It was made a question, whether in their superior wisdom,

the professors should continue to put their signatures to the diplomas? They very sagaciously conceived that the names of the provost and professors was not sufficient, and that *their own* signs manual would give more weight to the Honorarium. They at last came to the conclusion, that although the provost and professors might sign, that the names of the executive committee of three should be appended to the diploma, with the legitimate names, which only are seen on the face of that authority which gives credence to physicians over the whole world. The class has never been reconciled to this blot on their authority,—on the deed that gives currency to them as physicians, and is the highest honor they can achieve. The board had not long been in operation, before its complexion was ascertained. It was composed of two descriptions, the very antipodes of each other. One, the minority, literary men always disposed to consult the interests of the school. The other, the majority, illiterate and conceited, inflated with their own importance, and mere calculators of dollars and cents.

The board was originally composed of twenty-one members, including the governor, who is a trustee *ex officio*. The numerical majority found themselves embarrassed, by the intelligence of the minority of numbers. With so formidable a phalanx against them, the majority could not always bring their hostility to bear against the professors. They were reduced to two alternatives: Either to devise some scheme to diminish the number of the opposition, gradually, or to employ a more summary process, to divest themselves of them altogether. They invented several schemes to accomplish their purpose, and finally succeeded. They stooped to conquer; and by intrigue, artfully achieved a victory over the minority, over us, and over the institution.

They petitioned the legislature to pass a supplement to the supplement under which they acted, to reduce their numbers to twelve. The law was passed, and so artfully was its real object concealed, that it was only known by its effects. It did not provide for the removal of the superfluous nine directly. This would have been a measure too palpable, without a pretext, and was to be brought to

the same issue more imperceptibly. By resignation, by death, or by ceasing to act for a certain time. The virtuous minority began to perceive, that they were the nominal representatives of the school, and dropped off by degrees; but still there were some who adhered to the board and the true interests of the institution. Among these, were three of the judges of three of the judicial districts of the state, who were as distinguished for their devotion to the school, as they were for their professional and private worth. They were not favourites of the ruling majority, who determined to divest themselves of them; not by any charge or even a complaint, but by a stratagem, as unprecedented, as it was indecorous and illegal. They passed a resolution declaring "*that if any member should absent himself from three successive meetings, that his seat should be vacated.*" This was an arrogant assumption of power. All trustees, visiters, or governors of chartered literary institutions, are appointed till they may think proper to resign, or during good behaviour; and if they can be legally disqualified, it must be by the authority of the power that appointed them. In this case, the trustees derive their appointment from the governor and council, and it is questionable whether the executive has the power. If it be implied, it is not expressed in the act of incorporation; because it was considered indecorous to suppose that any gentleman would be guilty of an act that would make it necessary to expel him.

This device did not succeed, to the wishes of the majority. It operated slowly and uncertainly. The judges still continued to annoy them by their presence; for although they were not at every meeting, they kept themselves within the pale of the resolution, and would neither die nor resign. We began to flatter ourselves, that the board had taxed their ingenuity to the ne plus ultra, but we were deceived. They invented another plan, that hung the judges on the two horns of a dilemma. They obliged them either to neglect their judicial duties on the bench of the Court of Appeals, or absent themselves from the board of trustees. Finding that they had been absent at two successive meetings, they appointed the

third on the very day the judges were obliged to sit in their court, and thus banished them from the board.

I have studiously avoided any allusion to the immediate cause of the late scism between the trustees and Medical Faculty. I will conceal the most deformed acts of our governors, unless I should be called upon by the constituted authorities of the state, or in my own defence. If I were to enumerate all the acts of indecorum, injustice, and insult, offered to the Medical Faculty, by the board of trustees, or its members as individuals, unofficially, the task would be endless.

There are other topics inseparably connected with the interests of the medical department, that cannot be omitted consistently.

During the latter years of the administration of the trustees, their acts of tyranny and their parsimony, could but attract the notice of many intelligent pupils. Frequent complaints were made to us, who had no power to redress them. They felt and resented the state of vassalage in which we were held. They saw and implored the condition in which we were serving our time in the infirmary, without the reward of the laborer's hire. They lamented that no proposal from us for their benefit was listened to, or respected by our masters. These and other topics, were constantly agitated between us and our classes; and, in justice, we were bound to defend and exonerate ourselves, by charging all those sins of omission and commission upon their authors. Students of medicine, are generally the best judges of their own interests; and in no instance, did one of them attach culpability to us, or cast any reflection on us. Our governors had studiously endeavored, and artfully attempted, to avert all responsibility from themselves; and finding the verdict of the classes rendered against them, they thought to avenge themselves by a vindictive resolution against us. They declared that "*should either of the professors, in their intercourse with the students, speak disrespectfully of them, or their acts, we should forfeit our chairs, and be expelled from them accordingly.*" Upon the reception of this intelligence, I gave them to understand, that if they would give me a hearing before the whole body, I

would afford them a stronger ground for a new act of tyranny under the spurious authority by which they passed their former resolution. Whether this reply to their resolution ever reached them, I know not, and care not ; but I well knew, that I was the most obnoxious of the faculty, because I uniformly, without reserve, at all times, and in all places, exposed their acts, wherever they interrupted or polluted the streams of justice, or violated the rules of propriety. It was not long after the passage of this most unnecessary and obnoxious resolution, that the malignant spirit breathed against me, was gratified at the expense of the reputation of the school.

In December, 1831, I perceived that the Janitor had not complied with the terms on which he accepted his office. He was permitted to sell to the students confectionary and certain other articles, but was expressly prohibited from keeping any kind of drink, except water. This rule was originally laid down by the Regents, and I believe was never violated under their government. Having observed frequently that some of the class did not proceed to the anatomical rooms immediately after my lecture, but went into the Janitor's apartments, I determined to ascertain their object. On several successive days the doors were locked, and I could not be admitted ; but at length I took them by surprise, and found four of them regaling themselves with spirit and water, and playing a game of cards for the club, at one o'clock, when they ought to have been at the lecture, which began when mine terminated. I first spoke to the Janitor privately, representing the great disadvantage it would be to the school. He behaved in the most unbecoming and insolent manner. He denied that there was, or had been, a drop of spirituous liquor in his house, or that the students had ever played a game of cards in his rooms. I repeated to him the evidence of my own senses, and charged him with a falsehood. He retorted the lie, direct, and threatened me with personal violence, if I should repeat the same. I thought it my duty to lay the matter before the trustees, in a written form, requesting them to discharge him forthwith, adding that he had before been guilty of an offence, by which he had forfeited all claim to further indulgence. Finding I had

made known his conduct to the trustees, he assailed me again, lavishing on me all the abusive epithets he could invent, and finished, by threatening to chastise me, which he would have attempted, if he had not been intimidated by the class. The students now determined to sacrifice him, and were only prevented by my entreaties. The Janitor persisted in his threats, and I was advised to retire from the University buildings, and to hold my lectures in the operating room of the Infirmary, but I adopted a different course; but to protect myself, I was compelled to arm myself for the remainder of the session.

Instead of complying with my request, the trustees took no measures for several days, and probably would not have interposed, had not the clamours of the class become so loud and repeated, that they found themselves suffering in public estimation. At length they met and called the culprit before them, and this sham trial resulted in a request that the Janitor should "*beg my pardon, or say he was sorry for what he had said.*" He was kept in office, after this event, till the next spring; and for the remainder of the session, sold his whiskey and brandy in defiance of all authority. Early in the spring, he offended his employers, and was ejected from office, for another offence, after annoying me, as the instrument of their revenge, for half the session.

The trustees have reflected on their predecessors, more especially the Medical Faculty, because they found the institution in debt, and without the immediate means of relief. As they have made a merit of doing a duty, imposed on them by the supplement, and the terms under which they accepted their trust, it behoves me to expose the fallacy of their pretensions. It is true they found the University in a state incidental to all public schools reared and supported by private funds, and on credit. This is a risk that all who embark in such an enterprize must run, although they may see their way clear to a termination of all their embarrassments. They came into office on the eve of our victory over all difficulties, and triumphed by the means we had provided. They gathered the laurels planted and nurtured by us, and wore them not of choice,

but necessity; for, with the means in their hands, they uniformly refused to apply them, till they were driven to do justice, by public clamour, and the dread of the loss of character. They clung to the spoils they had illegally seized, till they were bankrupts in fame, as we were in fortune.

By a generous act of a preceding legislature, that commiserated our sufferings, we were begining to enjoy a privilege, that while it redounded to the honor of the state, made us free and independent. We were authorized to raise by lottery (free of tax,) one hundred thousand dollars, to be applied to such objects as the Regents might, in their wisdom, think proper to pursue, for the benefit of the four faculties; to create and maintain a University in all its ramifications. We had made a contract with Messrs. Yates and McIntyre, lottery brokers, which stipulated that they should pay us two thousand dollars, every four months, till the privilege should have been exhausted. This bargain was legally made, and the terms were well known to the state. No objection was, or could be made to it, as the security for its performance was undoubted; and never was there a contract more strictly and honorably fulfilled. As the stream of wealth was constantly flowing into the treasury, it was reasonable to suppose that our successors would not have interrupted it: but such was not their will and pleasure. Like the man in the fable, whose goose laid golden eggs, they ripped open the contract, annulled a solemn obligation they could not legally break, and made a commutation with the state for a specific annual sum.

By this act, with the bequests and donations made to the school; with our perquisites taken from us by force; with the product of our labor in the Infirmary; with the surplus revenue of the house, bestowed on us by an act of the legislature, they accumulated a large fund, while they withheld from us a just debt due to us, by the award of a committee of their own body.

I make my last appeal to the justice and magnanimity of a more enlightened legislature—To the Faculty of Physic of Maryland—To the votaries of science everywhere—And lastly to the people

of Maryland, whether such men are entitled to the reins of government of a University? And whether we are entitled to redress? Without the interposition of that authority, whose predecessors bereaved us of our living and occupation, we have no hope, but from the unpolluted stream of justice that never ceases to flow from the judicial tribunals of the state. And is not this a burthen almost too intolerable to be borne by us, who have been stripped of our means by an act of tyranny and injustice? Our enemies are at law with us, on our own money, while we cannot sustain ourselves on equal grounds. Money constitutes the sinews of the law, as well as of war. They are rich : we are poor.

“Plate sin with gold, and the strong lance of justice breaks;
Arm it with rags, a pigmy’s straw doth pierce it.”

In this wreck of our fortune, and general desolation, who is the victim? The last remnant of the first faculty of the college. I am now upwards of sixty-eight years of age; thirty of which, the flower of my days, have been devoted to the service of the University of Maryland; and now, when ease and retirement are not only desirable, but necessary, I must be compelled to seek some other occupation to sustain the ties of nature.

We have labored in vain, and aliens eat up our inheritance. We erected a monument to science, and gave it a fair fame; others are living, warmed by the genial rays reflected by us.

“Sic vos non vobis nidificatis aves,
Sic vos non vobis vellera fertis oves,
Sic vos non vobis mellificatis apes,
Sic vos non vobis fertis aratra boves.”

THE END.

